

MITIGATION MONITORING PROGRAM
for the
FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
Turner Road and Lower Sacramento Road

Rezoning 07-02-04
Growth Management 06-GM-04

November 9, 2007

Prepared for:
City of Lodi
Community Development Department
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

1.0 INTRODUCTION

This document describes the Mitigation Monitoring Program (MMP) for the proposed Farmers and Merchants Bank Residential project. The project involves City of Lodi Planning Commission and/or City Council (City) approval of a general plan amendment, rezoning, tentative map creating a maximum number of 47 parcels for single-family homes; and associated street and utility improvements. The project site includes approximately 6.79 acres of vacant land on the southwest corner of west Turner Road and north Lower Sacramento Road within the City of Lodi.

The primary source document for the project findings and MMRP is the Final Initial Study/Mitigated Negative Declaration for the Farmers and Merchants Bank Residential Project, (the "Final IS/MND"). When referenced as such, the IS/MND includes both the Public Review Draft of the IS/MND and the Final IS/MND for the project, as well as any documents, which have been incorporated into those documents by reference.

1.1 CEQA REVIEW OF PROPOSED PROJECT

The proposed project involves the issuance of required approvals from the City of Lodi and other agencies to permit the proposed development of 6.79 acres of vacant land for the purpose of creating a maximum of 47 parcels of single-family residential units. Proposed lots would range in size from 2,000 feet to approximately 3,300 square feet and would be located in an urbanized area of the City of Lodi.

The project involves the request for City approval of 1) a general plan amendment for the 6.79-acre site from Office To Low/Medium Density Residential; 2) rezoning of the site from R-C-P Residential Commercial Professional to PD (Planned Development); 3) a tentative map creating a maximum number of 47 parcels for single-family homes; and 4) associated street and utility improvements.

As the proposed project involves the potential to result in significant environmental effects as defined by CEQA, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by consultants, subject to the independent review and approval of City of Lodi staff. The IS/MND identified significant and/or potentially significant environmental effects that could occur in conjunction with the proposed project. The IS/MND also identified mitigation measures, which would reduce the significant or potentially significant environmental effects to a "less than significant" level.

The IS/MND was circulated for agency and public review from September 21, 2007 through October 22, 2007. Six comments were received on the IS/MND. It is anticipated that the Final IS/MND (November 9, 2007), will be adopted by the City, in conjunction with this document, prior to taking action on the project.

1.2 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING

To ensure that mitigation measures included in a Mitigated Negative Declaration are actually implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). Specifically, the Guidelines require that the lead agency:

" . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

These requirements are met collectively by the Mitigation Monitoring Table shown in Section 2.0 of this document. The table lists all of the potential environmental effects of the project that were identified in the IS/MND, identifies all of the mitigation measures which address these effects, and identifies the entities that would be responsible for implementing, and monitoring implementation of, the mitigation measures.

1.3 ORGANIZATION OF THIS DOCUMENT

This document is divided into two chapters. Chapter 1.0 is this Introduction, which provides background information and CEQA requirements related to the project. Chapter 2.0 presents the Mitigation Monitoring Program and findings of fact for the project in the form of a table. The table lists all mitigation measures applicable to the project and identifies implementation and monitoring responsibilities.

2.0 MITIGATION MONITORING PROGRAM AND FINDINGS

The following table summarizes the environmental effects that could result from approval of the proposed project. The table identifies 1) each environmental effect and its significance prior to mitigation, 2) how each significant environmental effect would be mitigated, 3) the responsibility for implementation of each mitigation measure, and 4) the responsibility for monitoring of the mitigation measures, if the project is approved. The table follows the same sequence as the impact analysis in the IS/MND.

MITIGATION MONITORING/REPORTING PROGRAM
FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
LODI, CALIFORNIA
9-Nov-07

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING
AESTHETICS	None Required		
AGRICULTURAL RESOURCES	None Required		
AIR QUALITY	<ol style="list-style-type: none"> 1. During construction, the applicant will comply with required control measures specified in San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules), including compliance with the following mitigation measure 2 through 9. 2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard. 3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving. 4. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads. 5. Restrict vehicular access to the disturbance area during periods of inactivity. 6. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials. 	Farmers and Merchants Bank Farmers and Merchants Bank	San Joaquin Valley Air Pollution Control District () SJVAPCD SJVAPCD SJVAPCD SJVAPCD SJVAPCD

MITIGATION MONITORING/REPORTING PROGRAM
FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
LODI, CALIFORNIA
9-Nov-07

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING
	<p>7. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.</p> <p>8. Traffic speeds on unpaved areas shall be limited to 15 mph.</p> <p>9. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container</p>	Farmers and Merchants Bank	SJVAPCD
BIOLOGICAL RESOURCES	None Required	Farmers and Merchants Bank	SJVAPCD
CULTURAL RESOURCES	<p>1. If any subsurface cultural resources are encountered during construction of the commercial project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Lodi Planning Department shall be notified, and the applicants shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.</p>	Farmers and Merchants Bank	Lodi Community Development Department

MITIGATION MONITORING/REPORTING PROGRAM
FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
LODI, CALIFORNIA
9-Nov-07

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING
	<p>2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. At the same time, the applicant shall retain a qualified archaeologist to evaluate the archaeological implication of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.</p>	Farmers and Merchants Bank	Lodi Community Development Department
GEOLOGY AND SOILS	<p>1. The owners, developers and/or successors-in-interest shall have a licensed geotechnical or soils engineer prepare a soil report for the project site. The report shall identify engineering limitations of the site soils and recommend measures to ensure that improvements will not be damaged by these limitations.</p> <p>2. Subdivision improvements and future residential development shall conform to applicable specifications of the soils report.</p>	Farmers and Merchants Bank	Lodi Public Works Department
HAZARDS AND HAZARDOUS MATERIALS	None Required	Farmers and Merchants Bank	Lodi Public Works Department and Community Development Department

MITIGATION MONITORING/REPORTING PROGRAM
FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
LODI, CALIFORNIA
9-Nov-07

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING
HYDROLOGY AND WATER QUALITY	<p>1. The applicants and/or their successors shall prepare and implement a Storm Water Pollution Prevention Plan and file a Notice of Intent with the State Water Resources Control Board. The applicants and/or their successors shall provide a copy of the Waste Dischargers Identification Number to the City of Lodi Public Works Department. The SWPPP shall include both construction and post-construction storm water pollution prevention practices as required to comply with Municipal Code Chapter 13.14.</p>	Farmers and Merchants Bank	Lodi Public Works Department
LAND USE AND PLANNING	None Required		
MINERAL RESOURCES	None Required		
NOISE	<p>1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and to 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near noise-sensitive land uses.</p>	Farmers and Merchants Bank	Lodi Community Development Department
POPULATION AND HOUSING	None Required		
PUBLIC SERVICES/FACILITIES	<p>1. The applicants and/or their successors shall pay required capital fees toward the construction of new City facilities, as required by the Municipal Code.</p>	Farmers and Merchants Bank	Lodi Community Development Department

MITIGATION MONITORING/REPORTING PROGRAM
FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
LODI, CALIFORNIA
9-Nov-07

POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBILITY FOR IMPLEMENTATION	RESPONSIBILITY FOR MONITORING
	<ul style="list-style-type: none"> 2. The applicants and/or their successors shall consult with the Fire, Police and Public Works Departments and incorporate access, water supply and other emergency access/response needs in the proposed project design. 3. The owners, developers and/or successors-in-interest shall pay adopted developer fees toward construction of new schools prior to issuance of building permits in accordance with the rate schedule established by LUSD. 	Farmers and Merchants Bank	Lodi Community Development Department
RECREATION	None Required		
TRANSPORTATION/CIRCULATION	None Required		
UTILITIES/SERVICE SYSTEMS	<ul style="list-style-type: none"> 1. The applicants and/or their successors shall submit detailed subdivision improvement plans. These plans shall show all on-and off-site utilities necessary to provide water, storm and sanitary sewer utility service. These plans shall be acceptable to the Director of Public Works and approved by the City Engineer prior to construction. 2. The applicants and/or their successors shall consult with the Fire, Police and Public Works Departments and incorporate access, water supply and other emergency access/response needs in the proposed project design. 	Farmers and Merchants Bank Farmers and Merchants Bank	Lodi Public Works Department Lodi Public Works Department

**FINAL INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

**FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
TURNER ROAD AND LOWER SACRAMENTO ROAD**

Rezoning 07-2-04
Growth Management 06-GM-04

November 9, 2007

Prepared for:
City of Lodi
Community Development Department
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

**FINAL INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

**FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT
TURNER ROAD AND LOWER SACRAMENTO ROAD**

Rezoning 07-2-04
Growth Management 06-GM-04

November 9, 2007

Prepared for:
City of Lodi
Community Development Department
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

Prepared by:
INSITE ENVIRONMENTAL INC.
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219

TABLE OF CONTENTS

1.0	INTRODUCTION	1-1
2.0	SUMMARY TABLE	2-1
3.0	COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS	3-1

FIGURES

1.	Regional Map	1-2
2.	Vicinity Map	1-3
3.	USGS Map	1-4
4.	Aerial Photo	1-5
5.	Assessor's Parcel Map	1-6
6.	Site Plan "A"	1-7
7.	Site Plan "B"	1-8

TABLES

2-1	Summary of Impacts and Mitigation Measures	2-2
-----	--	-----

1.0 INTRODUCTION

The Farmers and Merchants Bank Residential Project consists of 6.79 acres of vacant graded land in an urbanized area of the City of Lodi. The proposed project involves a request for City approval of 1) a general plan amendment for the 6.79-acre site from Office to Low/Medium Density Residential; 2) rezoning of the site from R-C-P Residential Commercial Professional to PD (Planned Development); 3) a tentative map creating a maximum number of 47 parcels for single-family homes; and 4) associated street and utility improvements.

The project involves the development of the site as a planned-development single-family residential neighborhood. Two site plans have been developed for the proposed project. The first (Plan A, Figure 6), would create 47 single-family residence lots clustered on shared driveway courts; lot sizes would average 2,400 square feet in size. The second proposed plan (Plan B, Figure 7) would create 36 single-family homes with lot sizes averaging 2,500 square feet each with frontage on the proposed access street.

The Initial Study and proposed Mitigated Negative Declaration for the Farmers and Merchants Bank Residential Project was circulated for an agency and public comment period extending from September 21, 2007 until October 22, 2007.

This Final Initial Study/Mitigated Negative Declaration, when combined with the public review draft of the Initial Study and proposed Mitigated Negative Declaration, constitutes the complete environmental review document for the Farmers and Merchants Bank Residential Project. The Initial Study and proposed Mitigated Negative Declaration will be considered by the City of Lodi Planning Commission before the Commission makes its decision on the project.

This Final IS/MND contains a summary of the environmental effects of the project (Section 2.0). Section 3.0 consists of a list of comments received and the City's responses to those comments received. The Errata Section (4.0) ordinarily shows revisions to the Initial Study related to the comments received as well as any other minor changes and corrections to the document identified by City Staff. The Errata Section was not required for this document since no additions or changes were necessary.

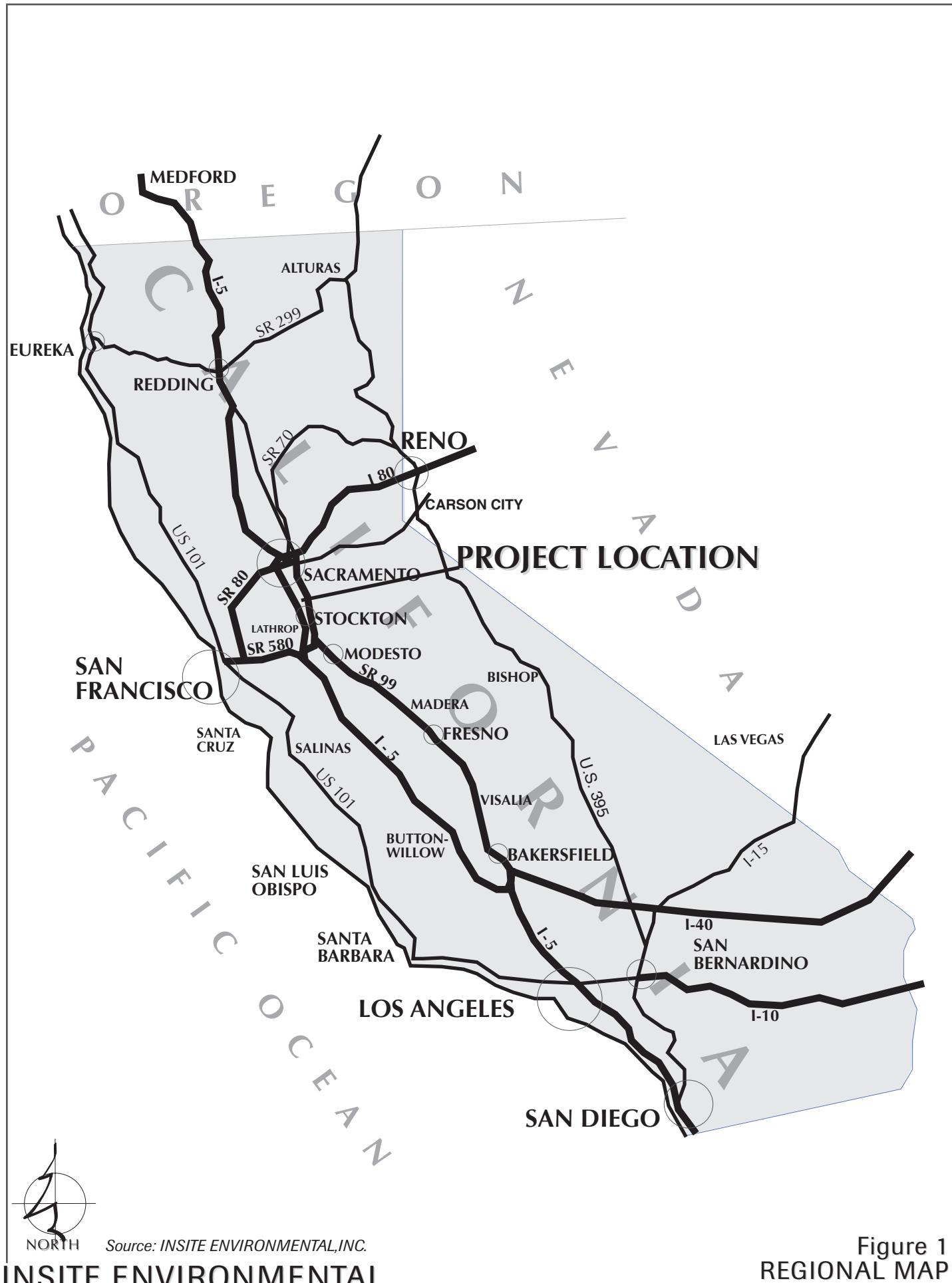


Figure 1
REGIONAL MAP

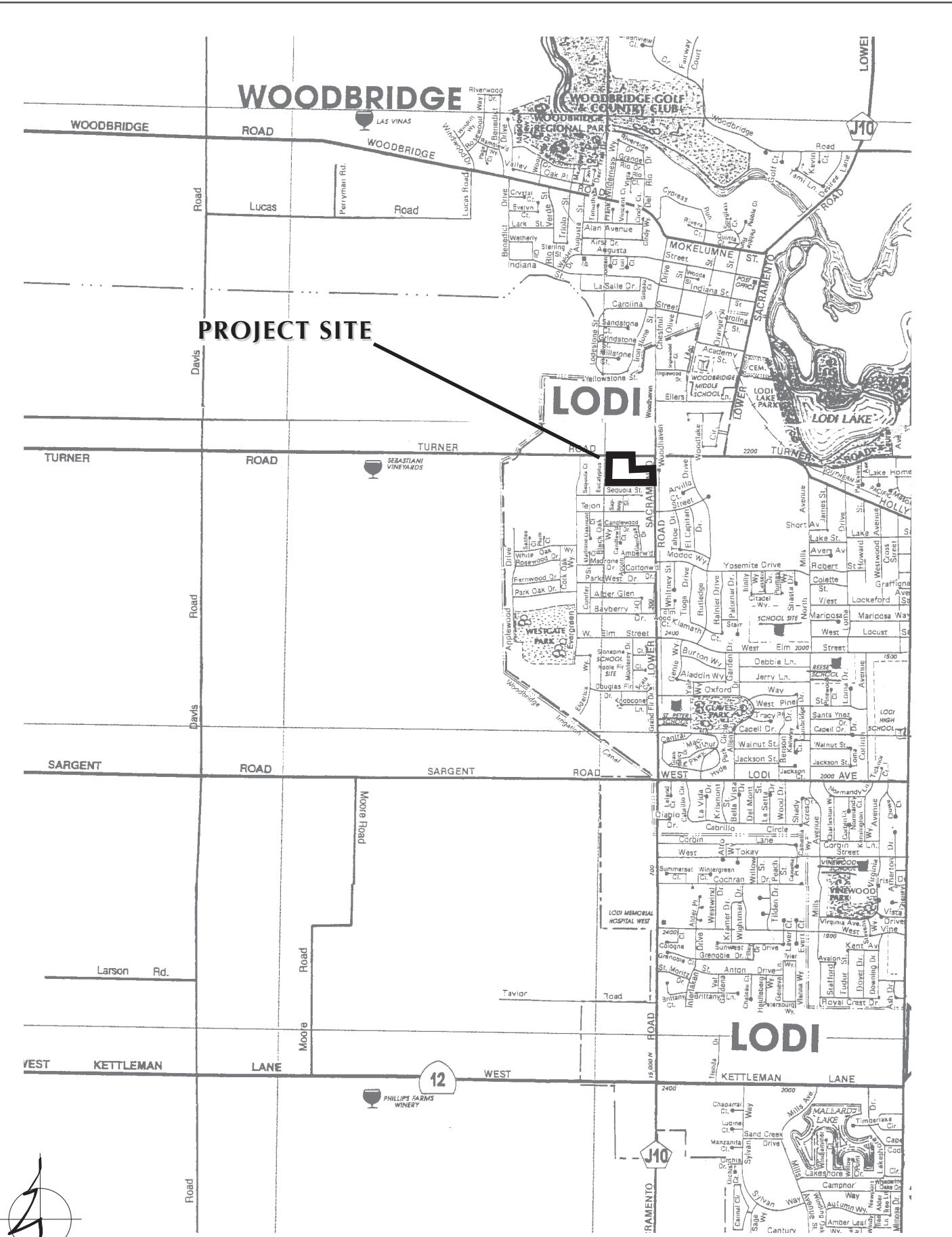
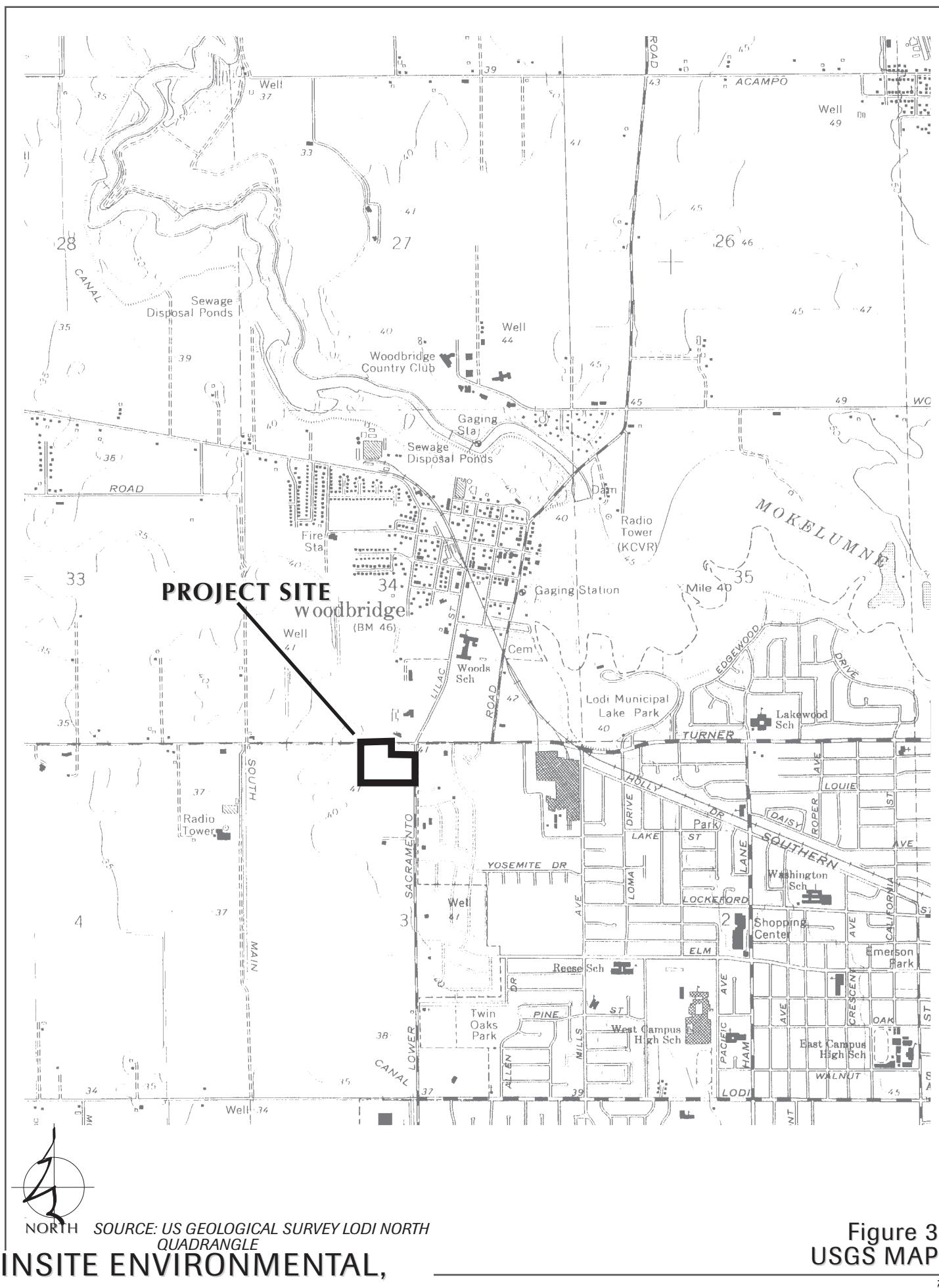


Figure 2
VICINITY MAP

August 3, 2007



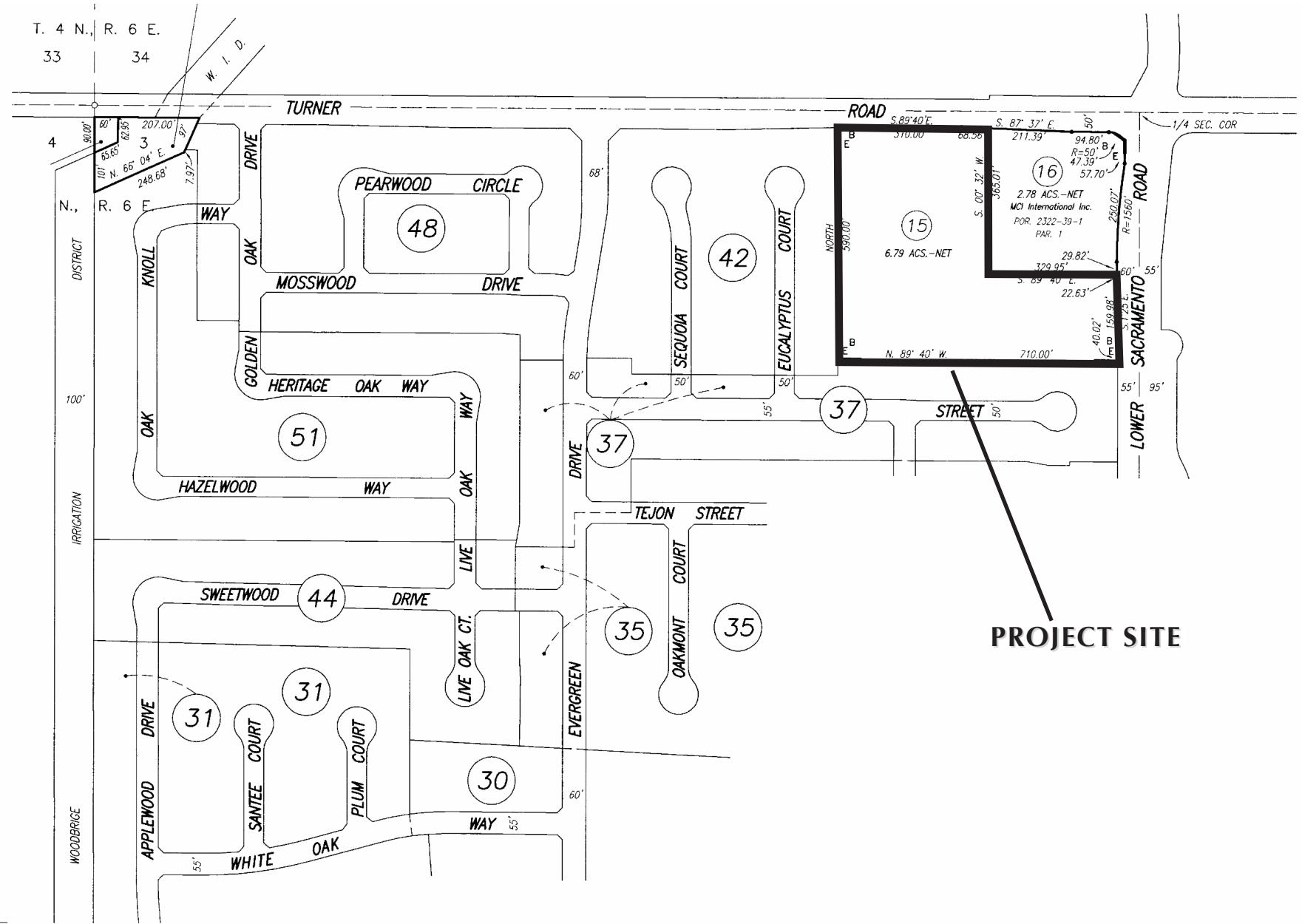


NORTH

SOURCE: GLOBEXPLORER

IN SITE ENVIRONMENTAL,

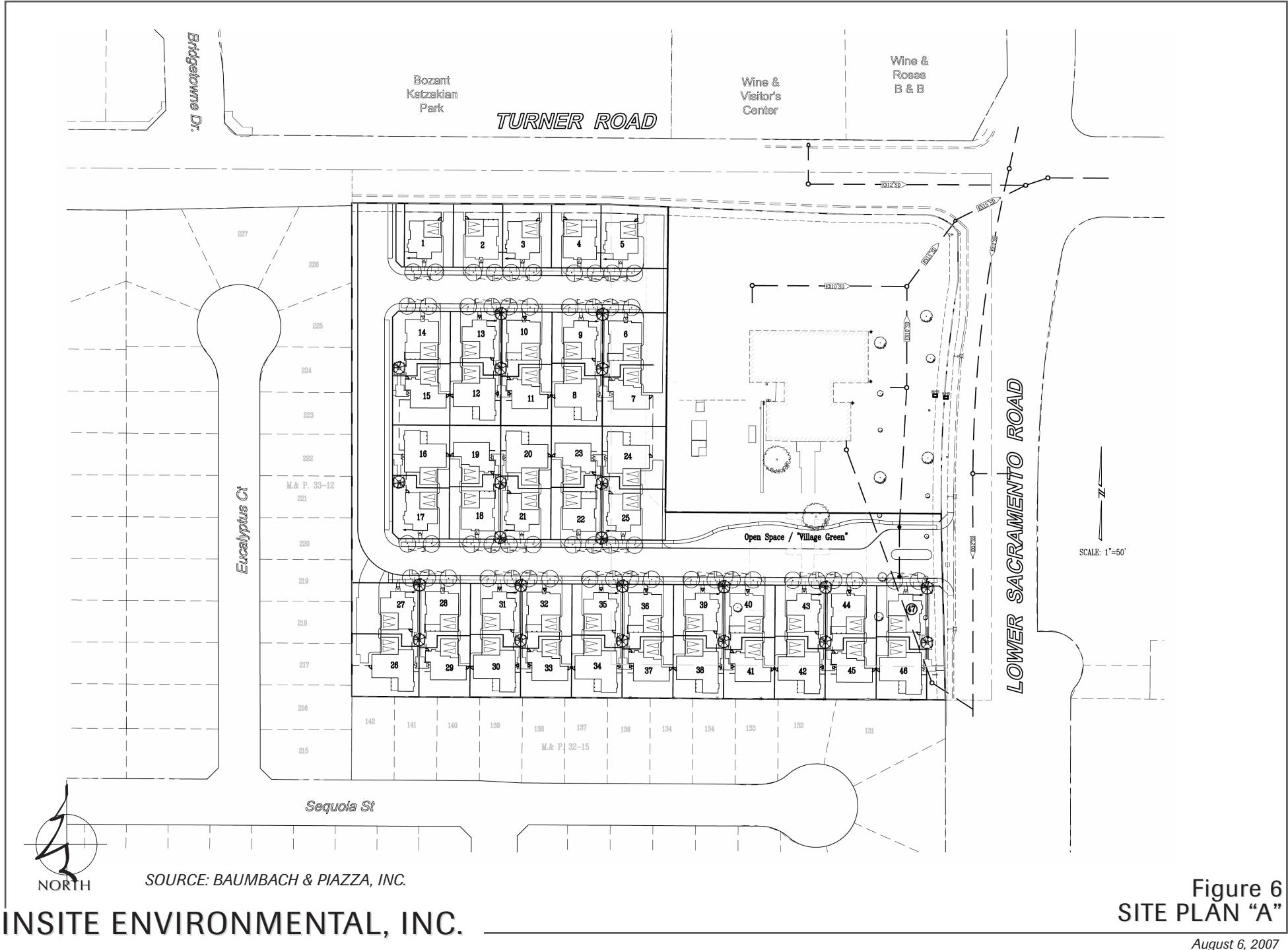
Figure 4
AERIAL PHOTO



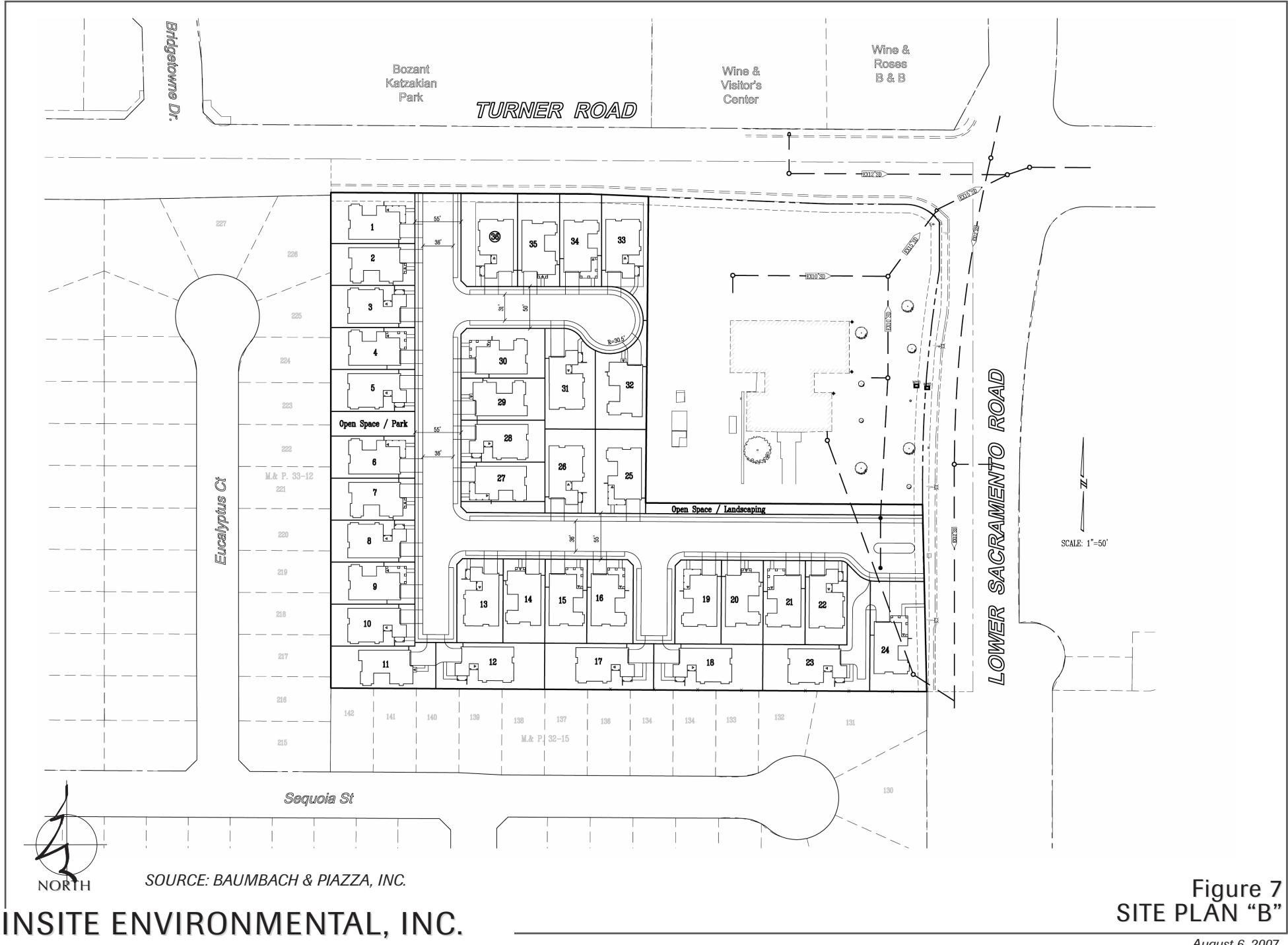
SOURCE: SAN JOAQUIN COUNTY ASSESSOR'S OFFICE
BOOK 029, PAGE 39

INSITE ENVIRONMENTAL,

**Figure 5
ASSESSOR'S PARCEL MAP**



August 6, 2007



2.0 SUMMARY TABLE

The following pages contain Table 2-1, Summary of Impacts and Mitigation Measures. The table is drawn from the Initial Study/Mitigated Negative Declaration that was circulated for public review. No additions or deletions were made in the summary table.

The potential environmental impacts of the proposed project are summarized in the left-most column of this table. The level of significance of the impact is indicated in the second column, mitigation measures proposed to minimize the impacts are shown in the third column, and the significance of the impact, after mitigation measures are applied, is shown in the fourth column.

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
1. AESTHETICS			
Impacts on On-Site Aesthetic Resources and Light and Glare	LS	None required	
2. AGRICULTURE			
Impacts on Conversion of Agricultural Land	LS	None required	
3. AIR			
Impacts on Air Quality	PS	<ol style="list-style-type: none"> During construction, the District will comply with required control measures specified in San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules), including compliance with the following mitigation measure 2 through 9. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads. Restrict vehicular access to the disturbance area during periods of inactivity. Apply water or chemical/organic stabilizers/ suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply. Traffic speeds on unpaved roads shall be limited to 15 mph. 	LS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
4. BIOLOGICAL RESOURCES			
Impacts on Biological Resources	LS	None required.	LS
5. CULTURAL RESOURCES			
Impacts on Cultural Resources	PS	<ol style="list-style-type: none"> 1. If any subsurface cultural resources are encountered during construction of the residential project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Stockton Community Development Department shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. 2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin. 	LS
6. GEOLOGY AND SOILS			
Geological and Soils Impacts	PS	<ol style="list-style-type: none"> 1. The owners, developers applicants and/or their successors-in-interest shall have a licensed geotechnical or soils engineer prepare a soils report for the project site. The report shall identify any engineering limitations of the site soils and make design recommendations that adequately address measures to ensure that improvements will not be damaged by these limitations. 2. Subdivision improvements and future residential development shall conform to applicable specifications of the soils report. 	LS
7. HAZARDS AND HAZARDOUS MATERIALS			
Hazard Impacts	LS	None required.	LS
8. HYDROLOGY AND WATER QUALITY			
Impacts on Groundwater	PS	<ol style="list-style-type: none"> 1. The applicants and/or their successors shall prepare and implement a Storm Water Pollution Prevention Plan and file a Notice of Intent with the State Water Resources Control Board. The applicants and/or their successors shall provide a copy of the Waste Dischargers Identification Number to the City of Lodi Public Works Department. The SWPPP shall include both construction and post-construction storm water pollution prevention practices as required to comply with Municipal Code Chapter 13.14. 	LS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
9. LAND USE AND PLANNING			
Land Use and Conflicts	LS	None required	
10. MINERAL RESOURCES			
Impact on Mineral Resources	LS	None required	
11. NOISE			
Noise Impacts	PS	1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and to 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near noise-sensitive land uses.	LS
12. POPULATION AND HOUSING			
Impacts on Population and Housing	LS	None required	
13. PUBLIC SERVICES/FACILITIES			
Project Impacts on Public Services and Facilities	PS	1. The applicants and/or their successors shall pay required capital fees toward the construction of new City facilities, as required by the Municipal Code. 2. The applicants and/or their successors shall consult with the Fire, Police and Public Works Departments and incorporate access, water supply and other emergency access/response needs in the proposed project design. 3. The owners, developers and/or successors-in-interest shall pay adopted developer fees toward construction of new schools prior to issuance of building permits in accordance with the rate schedule established by LUSD.	LS
14. RECREATION			
Recreational facilities have been addressed under Section 13 Public Services			
15. TRANSPORTATION/CIRCULATION			
Project Traffic Impacts	LS	None required.	LS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
16. UTILITIES/SERVICES SYSTEMS			
Project Impacts on Utilities and Services Systems	PS	<ol style="list-style-type: none"> 1. The applicants and/or their successors shall submit detailed subdivision improvement plans. These plans shall show all on- and off-site utilities necessary to provide water, storm and sanitary sewer utility service. These plans shall be acceptable to the Director of Public Works and approved by the City Engineer prior to construction. 2. The owners, developers and/or successors-in-interest shall provide permanent rights-of-way for and construct all on-site and off-site water, storm and sanitary sewer facilities. 	LS

Mitigation Measure Key Code:

ODS=Owners, developers & successors-in-interest

S=Significant

CS=Cumulatively Significant

PS=Potentially Significant

LS=Less than Significant

SOC Adopted=Statement of Overriding Considerations previously adopted

3.0 COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

The City of Lodi received a total of six (6) comment letters from agencies regarding the Initial Study/Mitigated Negative Declaration for the Farmers and Merchants Bank Residential project. The comment letters are reproduced in this section, and the agencies that submitted the comments are listed below.

1. California Department of Transportation
2. California Department of Water Resources
3. California Department of Toxic Substances Control
4. City of Lodi Fire Department
5. Mr. Greg Davis
6. David and Ann Marie Addler

On the following pages, each of the comment letters received is followed by the Lead Agency's response to the comments. Each commenter is assigned a code number above, and each substantive comment within each comment letter is assigned a letter code. Thus, each comment has a unique code made up of the commenter number and the comment letter code. For example, comment "1A" is the first comment made by Department of Transportation. The lead agency's responses are shown following each comment letter, and the responses are keyed to the comment codes described above.

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194

*Flex your power!
Be energy efficient!*

September 25, 2007

10-SJ-12-PM 15.1
SCH# 2007092073
Farmers and Merchant Bank
Residential Project

David Morimoto
City of Lodi
Planning Division
221 West Pine Street
Lodi, CA 95241-1910

Dear Mr. Morimoto:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Mitigated Negative Declaration for the proposed Farmers and Merchants Bank residential project. Plan A creates 47 single family residences and Plan B creates 36 single family homes. This project is to be located near Turner Road and Lower Sacramento Road in Lodi. The Department has the following comment(s):

1A

This proposed development should pay a “traffic impact mitigation fee.” The cumulative impacts of this and other existing and proposed land use development, in this area, will contribute to the degradation of the level of service on the local and State Highway System.

If you have any questions or would like to discuss our comments in more detail, please contact Annette Clark at (209) 948-3909 ([e-mail: Annette.Clark@dot.ca.gov](mailto:Annette.Clark@dot.ca.gov)) or me at (209) 941-1921.

Sincerely,

Tom Dumas, Chief
Office of Metropolitan Planning

c: SMorgan State Clearinghouse

"Caltrans improves mobility across California"

COMMENT #1

Mr. Morimoto
September 25, 2007
Page 2

bc: TDumas

"Caltrans improves mobility across California"

COMMENT #1

Responses to comment letter from the Department of Transportation, September 25, 2007.

Response 1A: The proposed development contributes to local impact mitigation fees to the City of Lodi and regional transportation impact fees to San Joaquin Council of Government. Fees are imposed in such a manner that new development bears its related, fair-share costs of providing adequate infrastructure.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



October 16, 2007

RECEIVED

OCT 25 2007

David S. Morimoto
City of Lodi Community Development Department
Post Office Box 3006
Lodi, California 95241-1910

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Farmers and Merchants Bank Residential Project
State Clearinghouse (SCH) Number: 2007092073

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Huitt".

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

2A

COMMENT #2

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

2B

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

2B

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

2B

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

COMMENT #2

Responses to comment letter from the Department of Water Resources, October 16, 2007

Response 2A: The Farmers and Merchants Bank Residential project IS/MND document preparer consulted both FEMA and State flood maps and determined that the project is not within the Reclamation Board's jurisdiction and will therefore have no effect on the state flood control system.

Response 2B: The Department of Water Resources attached an Encroachment Permits Fact Sheet that is not applicable to the project.



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control



Arnold Schwarzenegger
Governor

RECEIVED

OCT 24 2007

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

October 23, 2007

Mr. David S. Morimoto
City of Lodi
Community Development Department
P.O. Box 3006
Lodi, California 95241-1910

NEGATIVE DECLARATION AND INITIAL STUDY FOR THE FARMERS AND MERCHANTS BANK RESIDENTIAL PROJECT (SCH #2007092073)

Dear Mr. Morimoto:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes building a residential development on land formerly used for agriculture. DTSC recommends that additional research be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

If you have any questions, please contact me by email at tmiles@dtsc.ca.gov or by telephone at (916) 255-3710.

Sincerely,

Tim Miles

Tim Miles
Hazardous Substances Scientist

cc: See next page.

3A

COMMENT #3

Mr. David S. Morimoto
October 23, 2007
Page 2

cc: State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613

Ms. Donna Heran, Director
San Joaquin Environmental Health
304 East Weber Avenue, Third Floor
Stockton, California 95202

Planning & Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

Responses to comment letter from Department of Toxic Substances Control, October 23, 2007

Response 3A: The project site is an infill area that has not been in agricultural use for decades. The City does not believe that there is a credible human health concern related to pesticide residue on this site.



CITY OF LODI
FIRE DEPARTMENT



PLANNING - FIRE COMMENTS

Project Name: F&M Bank residential project
Location: Turner & Lower Sacramento

Corrections

Option One – NOT APPROVED

- 1) Northwest road exceeds 150 feet without turnaround – NOT ALLOWED
2) Width of Streets of 34 feet require one side has NO PARKING – red curb
3) Width of Streets of 32 feet require one side has NO PARKING – red curb

4A

Option Two – NOT APPROVED

- 1) Northwest cul-de-sac is 31 feet width with cul-de-sac with radius of 30.5 feet. Standard is 50foot radius minimum. Radius and width of street – NOT ALLOWED

4B

Fire hydrants will be placed by Fire Marshal

Completed by: Verne Person

Date: September 22, 2006

Page 1 of 1

COMMENT #4

Responses to comment letter from City of Lodi Fire Department September 22, 2007

Response 4A: The commenter does not provide comment on the IS/MND, but on the proposed site plan of the project. The proposed project is a Planned Development, and therefore City subdivision and development standards may vary from the "normal" for this project. As indicated in the IS/MND Chapter 2 Project Description, Plan "A" has an additional 69 on-street parking spaces.

Response 4B: Site Plan "B", Figure 7 of the IS/MND, indicates a 30.5 width cul-de-sac located in the northwest portion of the project. The commenter states that the standard cul-de-sac radius is a 50-foot minimum. This may be allowable under the Planned Development proposed by the project. If not, the project will need to be re-designed to meet the applicable City standards.

GDMD Engineering, Inc.
2723 Tejon St.
Lodi, CA 95242

RECEIVED

SEP 21 2007

Ph 209-367-0899
Fax 209-367-0898

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

September 21, 2007

Randy Hatch
City of Lodi Community Development
Lodi, CA

Re: F&M Proposed High density 47 unit housing
Project at Turner and Lower Sacramento Rd.
File #07-03

Thank you for the notice of attempt to adopt a mitigated negative declaration report by the owners of the above project. I wish to respond to that report as follows with regards to environmental impact.

Water 47 apartments with an average of 3 occupants (141 total) and landscaping will consume an average 180 gallons of water per day each, or 3,087,900 gallons per year. This is an impact on our existing resources.	Electricity 47 apartments with an average of occupants will use an average of 850 KWH of power per month with a peak demand of 5.6 kw, placing an additional demand of 260 kw on our system and needing an additional 44850 kwh of electricity to be purchased by the city. This is an impact, though small, on our existing resources.
City Services 47 apartments will require the additional staffing of 1 body, at an average salary cost \$102,000.00 including taxes, retirement, etc. This cost is spread over all departments. This is an impact on our existing resources.	Vehicle Gas consumption 47 apartment units average 1.5 vehicles per apartment. Each driver is estimated to drive annually 15000 miles, average mpg is 22. Complex will consume 48068 gallons of fuel per year, adding just over a 75 tons/year of greenhouse gas emissions. This is an impact on our existing resources.
Natural Gas 47 apartment units will consume an average of 418 therms/year, or 19552 therms/year, adding over 40 tons of greenhouse gas emissions per year. This is an impact on our existing resources	

Based on the above, I would say there is a significant impact building this project. In addition, there are already high density apartment and medium housing units

5A

5B

5C

COMMENT #5

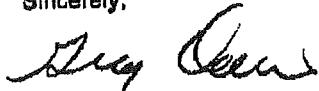
5C

that result in numerous calls to the city and tax the fire and police departments on the opposite corner. There are existing single family homes and a business that these units are being built in between. There is existing problems with traffic on Turner Rd in the mornings and evenings making left turns, plus lights at Turner and Lower Sac that are finicky. How are these problems mitigated? Last, the existing housing structure on both sides of Turner road in the proposed project area are single family homes on individual lots. The project does not fit in with that use. This project should and needs to follow suit with the original scope of the other projects.

Concluding, F&M bank needs to rethink this project along with the realtors and developers they are contracting with. Until the above is answered, I wish to go on record as opposing the project.

If you have any questions on the above, please call.

Sincerely,



Greg Davis, PE M29759
President

COMMENT #5

Responses to comment letter from Mr. Greg Davis September 21, 2007

Response 5A: The commenter indicates a variety of concerns that are not a direct comment on the IS/MND. The IS/MND addressed water needs, electricity and city services that the single-family project would require. The City of Lodi departments expressed no issues regarding providing water or electricity to the site; PG&E was contacted and has the capability to adequately serve the project. All of these issues were found to be less than significant in the IS/MND.

Response 5B: Global climate change and green house gas emissions are an important issue that is being addressed at the national and state levels. At this time there is no identified threshold of significance regarding greenhouse gas emissions that have been identified. The California Energy Commission (2006) states that California has 492 million metric tons of green house gas emissions annually. Using the commenter's calculations the proposed project would contribute to statewide emissions by 0.00000001 percent.

Response 5C: The proposed project is a single-family residential neighborhood as addressed in the IS/MND Chapter 2 Project Description. The IS/MND Chapter 3 Section 15 Transportation/Traffic addressed any potential effects on existing nearby City streets. The proposed general plan amendment and rezoning would involve the reduction of potential traffic generation compared to development that could occur under existing commercial designations. Traffic impacts were identified as less than significant and meet City standards at LOS C.

October 21, 2007

Randy Hatch, Director of Community Development
Community Development Department
City of Lodi
P O Box 3006
Lodi CA 95241

RE: File Number 07-03, Farmers and Merchants Bank Residential Project

We live in the cul-de-sac on Sequoia Street and are concerned with the type of SFU that will be built in the project area. We want to ensure the subdivision we live in will remain one of the best areas to live in Lodi. We have questions under this project such as:

- Will a sound wall be placed along the west and south fence lines if a road is to be built in that area?
- Will the homes be single or two-story?
- What are the "lot line" measurements (47 is a large number of homes for less than 7 acres)
- When will construction begin and how long will it last?
- What compensation can we, as an existing home owner, expect to receive for excess dust/dirt, and noise due to this construction?

6A

Our neighborhood is completely built out, which is one of the things that attracted us to move here. We will not be able to enjoy the back yard during construction, our pet will be afraid to go in the back yard due to the noise and vibrations – not to speak of the dust that will be created affecting our own home use and maintenance.

We recommend disapproval of the Mitigated Negative Declaration for this parcel.

Sincerely,



David and Ann Marie Addler
2559 Sequoia St, Lodi
daddler@comcast.net
339-4643

COMMENT #6

Responses to comment letter from Mr. and Mrs. Davis Addler, October 21, 2007

Response 6A: This comment is not a direct comment on the IS/MND. Answers to the commenters questions are found in the IS/MND and answered here in brief. Sound walls will not be placed along the west and south fences of the project. The single-family neighborhood would be two-story homes with lot sizes that would range from 2,000 square feet to 3,300 square feet. Construction timing for the project is uncertain at this time; buildout can be expected in one to three years after the project is initiated. The IS/MND found noise and construction impacts to be less than significant with mitigation measure implemented. The City will monitor construction and enforce the applicant to comply with the requirements of the Municipal Code regarding noise and air pollution.